

FILED

10 JAN 22 PM 1:22

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY _____

1 SUSAN CLARY (SBN 084523)
2 HENNELLY & GROSSFELD LLP
3 4640 Admiralty Way, Suite 850
4 Marina del Rey, CA 90292
5 Telephone: (310) 305-2100
6 Facsimile: (310) 305-2116
7 sclary@hgla.com

8 Attorneys for Defendant
9 CLOSETMAID CORPORATION

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 RIVERSIDE DIVISION
13 **ED CV 10 - 00116**

14 CREDIT MANAGERS ASSOCIATION
15 OF CALIFORNIA dba CMA
16 BUSINESS CREDIT SERVICES, a
17 California corporation, as assignee for
18 the benefit of the creditors of
19 WEEKEND WARRIOR TRAILERS,
20 INC.,

21 Plaintiff,

22 v.

23 CLOSETMAID CORPORATION and
24 DOES 1-10, inclusive,

25 Defendants.

Case No.:

VAP

(DTBx)

Removed From:

State Case No.: RIC-531371

NOTICE OF REMOVAL AND
REQUEST FOR REFERENCE TO
BANKRUPTCY COURT

1 **TO THE COURT, ITS CLERKS AND ALL PARTIES AND THEIR**
2 **ATTORNEYS OF RECORD:**

3 **PLEASE TAKE NOTICE** that Defendant ClosetMaid Corporation hereby
4 removes to this Court the state court action described below.

5 **NOTICE OF REMOVAL AND REQUEST FOR REFERENCE TO**
6 **BANKRUPTCY COURT**
7

8 Pursuant to 28 U.S.C. §§ 1331, 1332, 1441 and 1446, defendant ClosetMaid
9 Corp., ("ClosetMaid") hereby removes and gives notice of the removal of this cause
10 of action to the United States District Court for the Central District of California
11 (Riverside Division). Defendant states as grounds for removal that:

12 **PROCEDURAL STATUS OF THE CASE**
13

14 1. On or about July 17, 2009, plaintiff Credit Managers Association of
15 California ("CMA") commenced this action in the Superior Court of California,
16 County of Riverside, Western Division-Riverside Branch, California ("Superior
17 Court"). The suit was assigned case number RIC-531371.

18 2. Defendant ClosetMaid was served with the Complaint ("Complaint")
19 on December 23, 2009.

20 3. Defendant "Does 1-10" have not been identified or served.

21 4. As of the date of this Notice, no defendant has answered the Complaint.

22 5. This Notice of Removal is being filed in the record office of the Clerk
23 of the United States District Court for the Central District of California (Riverside
24 Division).

25 6. "Does 1-10" have not consented to the removal of this case to the
26 United States District Court for the Central District of California (Riverside
27 Division).

BACKGROUND

Plaintiff's Complaint alleges that:

7. Weekend Warrior Trailer, Inc. ("WWT") executed a general assignment pursuant to Cal. Civ. P. Code § 493.010, conveying to CMA all of WWT's property, right, claim, and interest for the benefit of WWT's creditors. (Complaint ¶ 8).

8. WWT transferred \$139,238.46 to ClosetMaid in violation of Cal. Civ. P. Code § 1800. (Complaint ¶¶ 22-27).

9. CMA is entitled to recover alleged voidable preferential transfers made to ClosetMaid. (Complaint ¶ 30).

AUTHORITIES FOR REMOVAL

Original Jurisdiction under 28 U.S.C. § 1331

10. Any civil action filed in state court over which the federal district courts would have original jurisdiction may be removed. 28 U.S.C. § 1441(a). This case is removable because this Court has original subject matter jurisdiction on federal question grounds pursuant to 28 U.S.C. § 1331.

11. According to § 1331, the "district court shall have original jurisdiction of all civil actions arising under the . . . laws . . . of the United States." CMA's cause of action arises under the laws of the United States because this action is essential one under 11 U.S.C. § 547 although it is plead under Cal. Civ. P. Code. § 1800.

12. Ordinarily, a cause of action arises under federal law only when the plaintiff's well-pleaded complaint raises issues of federal law. *In re Miles*, 430 F.3d 1083, 1088 (9th Cir. 2005). However, "[t]he Supreme Court has concluded that the force of some federal statutes is so strong that they 'completely preempt' an area of state law." *In re Miles*, 430 F.3d 1083, 1088 (9th Cir. 2005) (citing *Metro Life Ins.*

1 *Co. v. Taylor*, 481 U.S. 58, 63-64 (1987)). In such a case, even a claim brought
2 under state law is essentially one under federal law. *Id.*

3 13. In *Sherwood Partners, Inc. v. Lycos, Inc.*, 394 F.3d 1198, 1206 (9th Cir.
4 2005), *cert. denied*, 546 U.S. 927 (2005), the Ninth Circuit Court of Appeals found
5 that Cal. Civ. P. Code § 1800 was preempted by the Bankruptcy Code. As such, any
6 action brought under Cal. Civ. P. Code § 1800 is completely preempted by the
7 Bankruptcy Code and is essentially a question of federal law.

8
9 **Original Jurisdiction under 28 U.S.C. § 1332**

10 14. Alternatively, this Court has jurisdiction based on 28 U.S.C. §
11 1332(a)(1) and (2).

12 15. Section 1332(a) provides that the district courts of the United States
13 shall have original jurisdiction in all civil matters where the amount in controversy is
14 more than \$75,000, and there is complete diversity.

15 16. Complete diversity of citizenship exists between plaintiff and
16 defendant, as plaintiff is a California corporation with its principal place of business
17 in California and defendant is a Florida corporation with its principal place of
18 business in Florida.

19 17. The amount in controversy is more than \$75,000, even though plaintiff
20 alleges damage in an amount less than \$75,000.

21 18. CMA's Complaint alleges that over \$139,000 in transfers are avoidable
22 transfers and, therefore, in controversy, but then seeks only \$71,865.37 because of
23 affirmative defenses ClosetMaid may have. CMA's damage claim does not reduce
24 the amount in controversy for two reasons.

25 19. First CMA does not have the authority to adjudicate the validity of
26 defendant's defenses, and second, CMA alleges that more than one transfer was in
27 violation Cal. Civ. P. Code § 1800 aggregating in a total amount of \$139,238.46.
28 Because each transfer must be adjudicated on its own facts under either Cal. Civ. P.

1 Code § 1800 or 11 U.S.C. § 547, the amount in controversy actually remains the
2 aggregate amount of each transfer, or the complete \$139,238.46, and not the mere
3 \$71,865.37 CMA claims.

4
5 **PROPRIETY OF REMOVAL**

6 20. This Notice of Removal is timely because it is filed within thirty (30)
7 days of service of the Complaint upon ClosetMaid, in accordance with 28 U.S.C. §
8 1446(b).

9 21. This Court has original jurisdiction of this matter under 28 U.S.C. §§
10 1331 and 1332(a).

11 22. This matter is properly removable under 28 U.S.C. § 1441.

12 23. Removal of this matter is not barred by 28 U.S.C. § 1445.

13 24. Pursuant to 28 U.S.C. § 1446(a), ClosetMaid has attached hereto as
14 Exhibit A copies of all process, pleadings, and orders served upon ClosetMaid in
15 this matter.

16 25. Pursuant to 28 U.S.C. § 1446(a) and (d), ClosetMaid will file a copy of
17 this Notice of Removal with the Superior Court; will provide prompt notice to all
18 adverse parties; and will file proof of service of all notices and filings with the Clerk
19 of the United States District Court for the Central District of California (Riverside
20 Division).

21 **The District Court Should Refer this Case to the Bankruptcy Court**
22

23 26. The District Court should refer this case to the Bankruptcy Court
24 because the issue presented – avoidance and recovery of a preference – is a core
25 proceeding under 28 U.S.C. § 157(b)(2)(F).

26 27. Based on *Sherwood*, CMA's claim is one under Title 11. Accordingly,
27 the District Court should refer this action to the bankruptcy court pursuant to 28
28 U.S.C. § 157(a).

1 **WHEREFORE**, ClosetMaid removes the above-captioned action from the
2 Superior Court to the United States District Court for the Central District of
3 California (Riverside Division) and moves for reference to the United States
4 Bankruptcy Court for the Central District of California (Riverside Division).

5
6 DATED: January 22, 2010

HENNELLY & GROSSFELD LLP

7
8 By: 

SUSAN CLARY

Attorneys for Defendant

CLOSETMAID CORPORATION

Exhibit A

Attorney or Party without Attorney: WILLIAM J. WALL, Bar #203970 THE WALL LAW OFFICE 9900 RESEARCH DRIVE IRVINE, CA 92618 Telephone No: 949.387.4300 FAX No: 800.722.8196		For Court Use Only 113 0 FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE JAN 04 2010 C. Mundo	
Attorney for: Plaintiff		Ref. No. or File No.:	
Insert name of Court, and Judicial District and Branch Court: RIVERSIDE COUNTY SUPERIOR COURT, RIVERSIDE COURT			
Plaintiff: CREDIT MANAGERS ASSOCIATION OF CALIFORNIA, ETC. Defendant: CLOSETMAID CORPORATION			
PROOF OF SERVICE SUMMONS & COMPLAINT		Hearing Date:	Time:
		Dept/Div:	Case Number: RIC531371

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS AND COMPLAINT; PER CCP 1800; NOTICE OF CASE MANAGEMENT DEPARTMENT ASSIGNMENT AND CASE MANAGEMENT CONFERENCE; CIVIL CASE COVER SHEET; CERTIFICATE OF COUNSEL; NOTICE OF RELATED CASES; ALTERNATIVE DISPUTE RESOLUTION INFORMATION PACKAGE; (BLANK) ALTERNATIVE DISPUTE RESOLUTION STIPULATION.
3. a. Party served: CLOSETMAID CORPORATION
 b. Person served: MARIA SANCHEZ, CT CORPORATION SYSTEMS, AGENT FOR SERVICE OF PROCESS
4. Address where the party was served: 818 WEST 7TH STREET
 #200 B
 LOS ANGELES, CA 90017
5. I served the party:
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Wed., Dec. 23, 2009 (2) at: 1:20PM
6. The "Notice to the Person Served" (on the Summons) was completed as follows:
 on behalf of: CLOSETMAID CORPORATION
 Under CCP 416.10 (corporation)
7. Person Who Served Papers:
 - a. BOB SHULTZ
 - b. SADDLEBACK ATTORNEY SERVICE, INC.
 1801-F PARKCOURT PLACE, Registration # PSC 53
 SUITE 100
 Santa Ana, CA 92701
 - c. (714) 973-9202, FAX (714) 973-0127
 - d. Recoverable Cost Per CCP 1033.5(a)(4)(B)
 The Fee for Service was: \$52.50
 - e. I am: (3) registered California process server
 - (i) Independent Contractor
 - (ii) Registration No.: PSC 1989
 - (iii) County: Orange

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Thu, Dec. 24, 2009

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

CLOSETMAID CORPORATION and DOES 1-10, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

CREDIT MANAGERS ASSOCIATION OF CALIFORNIA dba CMA BUSINESS CREDIT SERVICES, a California corporation, as assignee for the benefit of the creditors of WEEKEND WARRIOR TRAILERS, INC.

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 17 2009

R. Mc Elyea

LJP

JUL 20 2009

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia. Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior Court of California
County of Riverside,
Western Division Riverside Branch
4050 Main Street
Riverside, CA. 92501

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

William J. Wall 203970

Phone (949) 387-4300 Fax (800)-722-8196

THE WALL LAW OFFICE

9900 Research Drive

Irvine, CA 92618

DATE:

(Fecha)

JUL 17 2009

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

4. ☐ by personal delivery on (date):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)



American LegalNet, Inc.
www.USCourtForms.com
Page 4 of 4

1 William J. Wall – State Bar No. 203970
2 THE WALL LAW OFFICE
3 9900 Research Drive
4 Irvine, CA 92618

5 Telephone: (949) 387-4300
6 Facsimile: (800) 722-8196
7 wwwall@wall-law.com

8 Attorney for Plaintiff
9 Credit Managers Association

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 17 2009

R. Mc Elyea

LOF
JUL 20 2009

10 **SUPERIOR COURT OF CALIFORNIA**

11 **COUNTY OF RIVERSIDE**

12 **WESTERN DIVISION – RIVERSIDE BRANCH**

13 CREDIT MANAGERS ASSOCIATION OF
14 CALIFORNIA dba CMA BUSINESS
15 CREDIT SERVICES, a California
16 corporation, as assignee for the benefit of
17 the creditors of WEEKEND WARRIOR
18 TRAILERS, INC.

19 Plaintiff,

20 v.

21 CLOSETMAID CORPORATION and
22 DOES 1-10, inclusive,

23 Defendants.

Case No. **RIC 531371**

**COMPLAINT TO AVOID AND RECOVER
PREFERENTIAL TRANSFERS OF
PROPERTY PURSUANT TO CALIFORNIA
CODE OF CIVIL PROCEDURE SECTION
1800**

Unlimited Civil Damages

24 Plaintiff Credit Managers Association of California, dba CMA Business Credit Services
25 ("CMA"), alleges as follows:
26
27
28

GENERAL ALLEGATIONS

PARTIES, VENUE AND JURISDICTION

1
2
3 1. CMA is a California corporation qualified to do business in the State of California,
4 with its primary place of business in Burbank, California.

5 2. Weekend Warrior Trailer, Inc. ("WWT") was, at all relevant periods, a California
6 corporation qualified to do business in the State of California, with its primary place of business in
7 Perris, California.

8 3. On or about July 18, 2008 WWT executed a general assignment for the benefit of
9 WWT's creditors in favor of CMA pursuant to California Code of Civil Procedure § 493.010, et
10 seq. ("Assignment"). Pursuant to the Assignment, WWT conveyed to CMA all of WWT's
11 property and every right, claim, and interest of WWT.

12 4. On information and belief, Closetmaid ("Closetmaid") is a corporation with its
13 principal place of business in Ocala, Florida.

14 5. The true names and capacities whether individual, corporate associate or otherwise,
15 of defendants Does 1 through 10 are unknown to CMA, who therefore sues said defendants by
16 such fictitious names. CMA is informed and believes that each of the defendants designated
17 herein as a fictitiously named defendant is in some manner responsible for the events and
18 happenings referred to, and caused the damage herein alleged. When CMA has ascertained the
19 true names and capacities of Does 1 through 10, inclusive, it will seek leave of this Court to amend
20 its complaint by setting forth the same. Does 1 through 10 are hereinafter collectively referred to
21 as "Doe Defendants."

22 6. CMA is informed and believes that Closetmaid, and each of the Doe Defendants,
23 was the agent, principal, partner, joint venturer or employee of each of the remaining defendants
24 and in doing the things herein alleged, each was acting within the course and scope of such
25 relationships with advance knowledge, acquiescence or subsequent ratification of each and every
26 remaining defendant, and each of the Doe Defendants is therefore jointly and severally liable for
27 the acts alleged herein.

CAUSE OF ACTION

RECOVERY OF PREFERENCE ACCORDING TO CCP § 1800

AGAINST ALL DEFENDANTS

7. On or within (90) days before the date of the assignment, that is between April 19, 2008 and July 18, 2008, (the "Preference Period") WWT made one or more transfers by check, wire transfer or the equivalent in an aggregate amount not less than \$139,238.46 (the "Transfers") directly to, or for the benefit of, the Closetmaid.

8. Closetmaid was a creditor of WWT at the time of the Transfers.

9. The Transfers were to, or for the benefit of, Closetmaid, and for or on account of antecedent debt owing by WWT to Closetmaid.

10. The Transfer from WWT to Closetmaid took place while WWT was insolvent, as that term is defined by California Code of Civil Procedure § 1800(a)(1).

11. The Transfer from WWT to Closetmaid took place within the Preference Period.

12. The Transfer of funds from WWT to Closetmaid enabled Closetmaid to receive more than another creditor of the same class.

13. Closetmaid provided new value to WWT after receiving certain of the Transfers. Pursuant to Code of Civil Procedure § 1800(c)(4), Closetmaid may offset amounts owed in an amount equal to the new value provided after any transfer. When considering

14. After crediting Closetmaid with the new value it provided leaveshen accounting for the new value and other defenses provided Closetmaid is to which Closetmaid entitled, CMA may recover \$71,865.37.

15. CMA is entitled to recover the voidable portions of the Transfers pursuant to Cal. Code of Civ. Proc. § 1800(b).

1 WHEREFORE, CMA prays that this Court enter judgment:

- 2 1. Awarding to CMA \$71,865.37 and prejudgment interest thereon at the legal rate
3 allowed from the date of each transfer;
4 2. Awarding the costs incurred by CMA in this suit; and
5 3. Awarding such other and further relief as this Court may deem necessary and
6 proper.

7
8 Dated: July 16, 2009

THE WALL LAW OFFICE

9
10 By: 

William J. Wall

11 Attorneys for Credit Managers Association of
12 California dba CMA Business Credit Services, a
13 California corporation, as assignee for the benefit of
14 Creditors of Weekend Warrior Trailers, Inc.
15
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): William J. Wall 203970 Law Office of William J. Wall 9900 Research Drive Irvine, CA 92618-4309 TELEPHONE NO.: (949) 387-4300 FAX NO. (Optional): (800) 722-8196 E-MAIL ADDRESS (Optional): wwall@wall-law.com		FOR COURT USE ONLY <div style="text-align: center;"> FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE JAN 07 2010 L. Gordon </div> <div style="text-align: right;"> ESC JAN 07 2010 Per CRC 3.725 UNTIMELY </div>	
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: 4050 Main Street MAILING ADDRESS: CITY AND ZIP CODE: Riverside, CA 92401 BRANCH NAME: WESTERN DIVISION		Per CRC 3.725 UNTIMELY	
PLAINTIFF/PETITIONER: Credit Managers Association of California DEFENDANT/RESPONDENT: Closetmaid Corporation			
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)		CASE NUMBER: RIC 531371	
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: January 13, 2010 Time: 8:30 a.m. Dept.: 8 Div.: Room: Address of court (if different from the address above):			
<input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Credit Managers Association, etc.			

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
 - a. ☒ This statement is submitted by party (name): Plaintiff Credit Managers Association, etc.
 - b. ☐ This statement is submitted jointly by parties (names):
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
 - a. The complaint was filed on (date): July 17, 2009
 - b. ☐ The cross-complaint, if any, was filed on (date):
3. **Service (to be answered by plaintiffs and cross-complainants only)**
 - a. ☐ All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
 - b. ☒ The following parties named in the complaint or cross-complaint
 - (1) ☐ have not been served (specify names and explain why not):
 - (2) ☒ have been served but have not appeared and have not been dismissed (specify names):
Closetmaid Corporation - Agent for service of process served on 12.23.09
 - (3) ☐ have had a default entered against them (specify names):
 - c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):
4. **Description of case**
 - a. Type of case in ☒ complaint ☐ cross-complaint (describe, including causes of action):
Complaint to avoid and recover preferential transfers of property pursuant to CCP Section 1800

CM-110

PLAINTIFF/PETITIONER: Credit Managers Association of	CASE NUMBER:
DEFENDANT/RESPONDENT: Closetmaid Corporation	RIC 531371

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.) Plaintiff asserts that Weekend Warrior Trailers, Inc. (WWT) executed an assignment for the benefit of creditors on July 18, 2008, in favor of Plaintiff, conveying to Plaintiff all of WWT's property and every right, claim and interest of WWT. Plaintiff asserts that in the 90 days prior to the assignment, WWT transferred an aggregate amount of no less than \$71,865.37 (the "Transfers") to Defendant. Plaintiff asserts that the transfers are its property pursuant to CCP Section 1800. Plaintiff seeks a judgment avoiding and setting aside the transfers to Defendant and awarding Plaintiff an amount representing the amount of the transfers.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request ☐ a jury trial ☒ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. Trial date

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

a. ☒ days (specify number): 1

b. ☐ hours (short causes) (specify):

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

e. Fax number:

f. E-mail address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. Preference

☐ This case is entitled to preference (specify code section):

10. Alternative Dispute Resolution (ADR)

a. Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.

b. ☐ All parties have agreed to a form of ADR. ADR will be completed by (date):

c. ☐ The case has gone to an ADR process (indicate status):

CM-110

PLAINTIFF/PETITIONER: Credit Managers Association of

CASE NUMBER:

DEFENDANT/RESPONDENT: Closetmaid Corporation

RIC 531371

10. d. The party or parties are willing to participate in (check all that apply):

- (1) ☐ Mediation
- (2) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
- (3) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
- (4) ☐ Binding judicial arbitration
- (5) ☐ Binding private arbitration
- (6) ☐ Neutral case evaluation
- (7) ☐ Other (specify):

- e. ☐ This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.
- f. ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
- g. ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

- ☐ The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- ☐ Bankruptcy ☐ Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.

- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:

☐ Additional cases are described in Attachment 14a.

- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

15. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

- ☐ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

CM-110

PLAINTIFF/PETITIONER: Credit Managers Association of
 DEFENDANT/RESPONDENT: Closetmaid Corporation

CASE NUMBER:
 RIC 531371

17. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):
- | <u>Party</u> | <u>Description</u> | <u>Date</u> |
|--------------|-----------------------------------|-------------|
| Plaintiff | Written discovery and depositions | May 2010 |

- c. ☐ The following discovery issues are anticipated (*specify*):

18. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. Meet and confer

- a. ☐ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

21. Total number of pages attached (*if any*): 0

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: December 30, 2009

WILLIAM I. WALL

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

CM-110 (Rev. January 1, 2009)



CASE MANAGEMENT STATEMENT

Page 4 of 4

CMA

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Number, and address): William J. Wall State Bar No. 203970 9900 Research Drive Irvine, CA 92618 wwall@wall-law.com TELEPHONE NO.: (949) 387-4300 FAX NO.: (800) 722-8196 ATTORNEY FOR (Name): Plaintiff Credit Managers Association		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside STREET ADDRESS: 4050 Main Street MAILING ADDRESS: 4050 Main Street CITY AND ZIP CODE: Riverside, CA 92501 BRANCH NAME: Riverside Branch		
CASE NAME: CMA Business Credit Services v. Closetmaid and DOES 1-10, inclusive		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- ☐ Auto (22)
- ☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)
- ☐ Product liability (24)
- ☐ Medical malpractice (45)
- ☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- ☐ Business tort/unfair business practice (07)
- ☐ Civil rights (08)
- ☐ Defamation (13)
- ☐ Fraud (16)
- ☐ Intellectual property (19)
- ☐ Professional negligence (25)
- ☐ Other non-PI/PD/WD tort (35)

Employment

- ☐ Wrongful termination (36)
- ☐ Other employment (15)

Contract

- ☐ Breach of contract/warranty (06)
- ☐ Collections (09)
- ☐ Insurance coverage (18)
- ☐ Other contract (37)

Real Property

- ☐ Eminent domain/inverse condemnation (14)
- ☐ Wrongful eviction (33)
- ☐ Other real property (26)

Unlawful Detainer

- ☐ Commercial (31)
- ☐ Residential (32)
- ☐ Drugs (38)

Judicial Review

- ☐ Asset forfeiture (05)
- ☐ Petition re: arbitration award (11)
- ☐ Writ of mandate (02)
- ☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- ☐ Antitrust/Trade regulation (03)
- ☐ Construction defect (10)
- ☐ Mass tort (40)
- ☐ Securities litigation (28)
- ☐ Environmental/Toxic tort (30)
- ☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

- ☐ RICO (27)
- ☒ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)
- ☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |

3. Type of remedies sought (check all that apply):

- a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): 1

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 16, 2009

William J. Wall

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
4050 Main Street
Riverside, CA 92501
www.riverside.courts.ca.gov

NOTICE OF CASE MANAGEMENT DEPARTMENT ASSIGNMENT AND
CASE MANAGEMENT CONFERENCE

CREDIT MANAGERS ASSOCIATION VS. CLOSETMAID
CASE NO. RIC 531371

The above entitled case is ASSIGNED to the HONORABLE
Judge Bernard Schwartz in Department 08 as CASE
MANAGEMENT DEPARTMENT.

The Case Management Conference described in Rules of Court
3.722 is scheduled for 01/13/10 at 8:30 am/pm in
Department 08.

The plaintiff/cross-complainant shall serve a copy of the
Notice of Case Management Department Assignment and Case
Management Conference to all defendants/cross-defendants
named or added to the complaint and file proof of service
thereof.

If this case is assigned to a Commissioner and party
does not stipulate to the hearing of law and motion matters
by the Commissioner, that party MUST, within ten (10) days
of the service of this Notice, file a Notice of Non-Stipulation.
Failure to file such Notice within ten (10) days shall be
deemed acceptance of the Case Management Department Assignment.

DATE OF NOTICE: 07/17/09

CLERK'S CERTIFICATE

I, Clerk of the above entitled Court, do hereby certify
that on this date, I provided the plaintiff(s) or plaintiffs'
attorney of record with a copy of the foregoing NOTICE.

CLERK OF THE COURT

Date: 07/17/09

by:


RICQUEL L MCELYEA

SUPERIOR COURT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

- | | |
|--|--|
| <input type="checkbox"/> BANNING 135 N. Alessandro Road, Banning, CA 92220 | <input type="checkbox"/> MURRIETA 39755-D Auld Road, Murrieta, CA 92563 |
| <input type="checkbox"/> BLYTHE 265 North Broadway, Blythe, CA 92225 | <input checked="" type="checkbox"/> RIVERSIDE 4050 Main St., Riverside, CA 92501 |
| <input type="checkbox"/> HEMET 880 N. State St., Hemet, CA 92543 | <input type="checkbox"/> RIVERSIDE 4175 Main St., Riverside, CA 92501 |
| <input type="checkbox"/> INDIO 46-200 Oasis St., Indio, CA 92201 | <input type="checkbox"/> TEMECULA 41002 County Center Dr., #100, Temecula, CA 92591 |
| <input type="checkbox"/> MORENO VALLEY 13800 Heacock St. #D201, Moreno Valley, CA 92553 | |

Name and Address

William J. Wall
THE WALL LAW OFFICE
9900 Research Drive, Irvine, CA 92618
tel. (949) 387-4300. fax. (800) 722-8196
wwall@wall-law.com

Attorney for Plaintiff
or Party without Attorney

CREDIT MANAGERS ASSOCIATION OF CALIFORNIA
dba CMA BUSINESS CREDIT SERVICES

Plaintiff(s)

vs.

CLOSETMAID and DOES 1-10, inclusive

Defendant(s)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 17 2009

R. Mc Elyea

LUF
JUL 20 2009
R

CASE NO. **RIC 531371**

CERTIFICATE OF COUNSEL

The undersigned certifies that this matter should be tried or heard in the
Court for the following reason:

- ☒ The action arose in this judicial district.
☐ The action concerns real property located in this judicial district.
☐ The defendant resides in this judicial district.

Dated: July 16, 2009

Signed by: 

ATTORNEY FOR PLAINTIFF(S)
OR PARTY WITHOUT ATTORNEY

1 William J. Wall – State Bar No. 203970

2 **THE WALL LAW OFFICE**

3 9900 Research Drive

4 Irvine, CA 92618

5 Telephone: (949) 387-4300

6 Facsimile: (800) 722-8196

7 Attorney for Plaintiff

8 Credit Managers Association

0.8
1/13/10
FILED **MLG**
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

AUG 24 2009

R. Mc Elzea ✓

AUG 25 2009

R

10 **SUPERIOR COURT OF CALIFORNIA**

11 **COUNTY OF RIVERSIDE**

12 **WESTERN DIVISION – RIVERSIDE BRANCH**

13
14 **CREDIT MANAGERS ASSOCIATION OF**
15 **CALIFORNIA dba CMA BUSINESS**
16 **CREDIT SERVICES, a California**
17 **corporation, as assignee for the benefit of**
18 **WEEKEND WARRIOR**

19 Plaintiff,

20 v.

21 **CLOSETMAID CORPORATION and**
22 **DOES 1-10, inclusive,**

23 Defendants.

Case No. RIC 531371

NOTICE OF RELATED CASES

UNLIMITED CIVIL DAMAGES

Case Assigned for all purposes to: HONORABLE
BERNARD SCHWARTZ
Department: 8

Complaint Filed: July 17, 2009

Case Management Conference: 01/13/10

1 **PLEASE TAKE NOTICE** that the cases set forth on exhibit "1" hereto are related for the
2 following reasons: Each of the cases and the case referenced above 1) involve similar parties and
3 are based on the same or similar claims; 2) arise from the same or substantially identical
4 transactions, incidents, or events requiring the determination of the same or substantially identical
5 questions of law or fact; and 3) is likely for other reasons to require substantial duplication of
6 judicial resources if heard by different judges. Neither this case nor the related cases have been
7 designated as complex.

8
9 Dated: August 18, 2009

THE WALL LAW OFFICE

10
11 By: 

William J. Wall

Attorneys for Credit Managers Association of
California dba CMA Business Credit Services, a
California corporation, as assignee for the benefit of
Creditors of Weekend Warrior

EXHIBIT "1"

CASE NAME

CREDIT MANAGERS
ASSOCIATION for the
benefit of the Creditors
of ALFA LEISURE RV
("CMA")

V. ACTION PROGRAM

CASE NAME	TYPE	CASE NO.	COURT	DEPT.	JUDGE
CMA V. ALPHA SYSTEMS	Unlimited	RIC 531257	Western Div.	5	Hon. Mark E. Johnson
CMA V. AMERICAN BOLT AND SCREW	Limited	TEC 097228	Mid County Div. T1		Hon. Michael S. Hider
CMA V. AMERICAN EXPRESS	Limited	TEC 097230	Mid County Div. T1		Hon. Michael S. Hider
CMA V. AMERIMAX	Unlimited	RIC 531261	Western Div.	10	Hon. Sharon J. Waters
CMA V. ASA	Limited	TEC 097232	Mid County Div. T1		Hon. Michael S. Hider
CMA V. ASCOT ENTERPRISES	Unlimited	RIC 531266	Western Div.	10	Hon. Sharon J. Waters
CMA V. ATWOOD MOBILE	Unlimited	RIC 531382	Western Div.	2	Comm. Paulette D. Barkley
CMA V. BEAR FOREST PRODUCTS	Unlimited	RIC 531265	Western Div.	4	Hon. Michael B. Donner
CMA V. BLACKHAWK MANUFACTURING	Unlimited	RIC 531268	Western Div.	1	Hon. Gloria C. Trask
CMA V. C & M DISTRIBUTION	Limited	TEC 097224	Mid County Div. T1		Hon. Michael S. Hider
CMA V. CALOLYMPIC SAFETY	Limited	TEC 097221	Mid County Div. T1		Hon. Michael S. Hider
CMA V. CAREFREE OF COLORADO	Unlimited	RIC 531244	Western Div.	2	Comm. Paulette D. Barkley
CMA V. CLOSETMAID	Unlimited	RIC 531371	Western Div.	8	Hon. Bernard Schwartz
CMA V. CODYSALES INC.	Unlimited	RIC 531254	Western Div.	3	Hon. Douglas E. Weathers
CMA V. CUMMINS POWER	Unlimited	RIC 531373	Western Div.	3	Hon. Douglas E. Weathers
CMA V. D & W INC.	Unlimited	RIC 531260	Western Div.	4	Hon. Michael B. Donner
CMA V. DEL STEEL ORNAMENTAL	Unlimited	RIC 531256	Western Div.	6	Hon. Mac R. Fisher
CMA V. DIMENSION F/X	Limited	TEC 097219	Mid County Div. T1		Hon. Michael S. Hider
CMA V. EDWARD URBAN	Unlimited	RIC 531358	Western Div.	1	Hon. Gloria C. Trask
CMA V. ELITE PRODUCTS INC.	Unlimited	RIC 531249	Western Div.	6	Hon. Mac R. Fisher
CMA V. EXHAUST CENTER INC	Unlimited	RIC 531253	Western Div.	8	Hon. Bernard Schwartz
CMA V. GLOBAL DIRECT	Unlimited	RIC 531262	Western Div.	3	Hon. Douglas E. Weathers
CMA V. GREENBALL CORPORATION	Unlimited	RIC 531245	Western Div.	3	Hon. Douglas E. Weathers
CMA V. HEHR INTERNATIONAL	Unlimited	RIC 531258	Western Div.	1	Hon. Gloria C. Trask
CMA V. HMC	Limited	TEC 097216	Mid County Div. T1		Hon. Michael S. Hider
CMA V. IRVINE SHADE AND DOOR	Unlimited	RIC 531359	Western Div.	2	Comm. Paulette D. Barkley
CMA V. IOTA ENGINEERING	Limited	TEC 097213	Mid County Div. T1		Hon. Michael S. Hider
CMA V. JF MANUFACTURING	Unlimited	RIC 531356	Western Div.	7	Hon. Gary B. Tranbarger
CMA V. JRV PRODUCTS	Limited	TEC 097214	Mid County Div. T1		Hon. Michael S. Hider
CMA V. KEG GRAPHICS INC.	Unlimited	RIC 531363	Western Div.	6	Hon. Mac R. Fisher

NOTICE OF RELATED CASES

EXHIBIT "1"

CMA v. KICKER/STILLWATER	Limited	TEC 097256	Mid County Div. T1	Hon. Michael S. Hider
CMA v. KINRO INC.	Unlimited	RIC 531379	Western Div.	10 Hon. Sharon J. Waters
CMA v. LIPPERT COMPONENTS	Unlimited	RIC 531355	Western Div.	8 Hon. Bernard Schwartz
CMA v. MANCHESTER TANK	Unlimited	RIC 531365	Western Div.	6 Hon. Mac R. Fisher
CMA v. MOUNTAIN FAMILY RV	Limited	TEC 097253	Mid County Div. T1	Hon. Michael S. Hider
CMA v. NEFF'S UPHOLSTERY	Unlimited	RIC 531255	Western Div.	7 Hon. Gary B. Tranbarger
CMA v. ORANGE TOOL MART	Limited	TEC 097252	Mid County Div. T1	Hon. Michael S. Hider
CMA v. PAINTED RHINO INC.	Unlimited	RIC 531368	Western Div.	7 Hon. Gary B. Tranbarger
CMA v. PHILIPS PRODUCTS	Limited	TEC 097250	Mid County Div. T1	Hon. Michael S. Hider
CMA v. POSTLE DISTRIBUTORS INC.	Unlimited	RIC 531273	Western Div.	8 Hon. Bernard Schwartz
CMA v. RAMCAST ORNAMENTAL	Limited	TEC 097212	Mid County Div. T1	Hon. Michael S. Hider
CMA v. ROOTSAP MANUFACTURING	Unlimited	RIC 531269	Western Div.	2 Comm. Paulette D. Barkley
CMA v. SENCO	Limited	TEC 097257	Mid County Div. T1	Hon. Michael S. Hider
CMA v. SHAW INDUSTRIES INC.	Unlimited	RIC 531264	Western Div.	7 Hon. Gary B. Tranbarger
CMA v. SPARTECH PLASTICS	Unlimited	RIC 531274	Western Div.	6 Hon. Mac R. Fisher
CMA v. SUBURBAN MANUFACTURING	Limited	TEC 97209	Mid County Div. T1	Hon. Michael S. Hider
CMA v. TEMPLE PRODUCTS	Unlimited	RIC 531270	Western Div.	5 Hon. Mark E. Johnson
CMA v. TL ENTERPRISES	Limited	TEC 097243	Mid County Div. T1	Hon. Michael S. Hider
CMA v. TOPLINE	Limited	TEC 097244	Mid County Div. T1	Hon. Michael S. Hider
CMA v. UNITED STRATEGIES INC.	Limited	TEC 097240	Mid County Div. T1	Hon. Michael S. Hider
CMA v. UNIVERSAL FOREST	Unlimited	RIC 531375	Western Div.	Hon. Michael S. Hider
CMA v. UNIVERSAL MOLDING	Limited	TEC 097208	Mid County Div. T1	1 Hon. Gloria C. Trask
CMA v. UPS FREIGHT	Limited	TEC097233	Mid County Div. T1	Hon. Michael S. Hider
CMA v. VOMELA SPECIALTY	Unlimited	RIC 531272	Western Div.	6 Hon. Mac R. Fisher
CMA v. WILD WOOD DASH KITS	Limited	TEC 097236	Mid County Div. T1	Hon. Michael S. Hider

NOTICE OF RELATED CASES

PROOF OF SERVICE

I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 4640 Admiralty Way, Suite 850, Marina del Rey, California, 90292.

On January 22, 2010, I served the following document(s):

**NOTICE OF REMOVAL AND REQUEST FOR REFERENCE TO
BANKRUPTCY COURT**

on the interested parties in this action as indicated below or on the attached service list, together with this declaration, as follows:

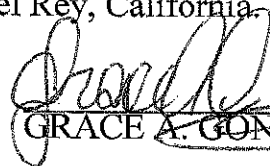
William J. Wall
The Wall Law Office
9900 Research Drive
Irvine, CA 92618
Telephone: (949) 387-4300
Facsimile: (800) 722-8196
wwall@wall-law.com

(X) (By Overnight Delivery) I deposited in a box or other facility regularly maintained by FedEx or Overnite Express, an express service carrier, or delivered to a courier or driver authorized by said express carrier to receive documents, a copy of the above named document(s).

(X) (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury that foregoing is true and correct.

Executed on January 22, 2010, at Marina del Rey, California.


GRACE A. GONZALES

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

ORIGINAL

(a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) CREDIT MANAGERS ASSOCIATION OF CALIFORNIA dba CMA BUSINESS CREDIT SERVICES, a California corporation, as assignee for the benefit of the creditors of WEEKEND WARRIOR TRAILERS, INC.	DEFENDANTS CLOSETMAID CORPORATION
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) William J. Wall, The Wall Law Office 9900 Research Drive, Irvine, CA 92618 (949) 387-4300	Attorneys (If Known) SUSAN CLARY (SBN 084523) HENNELLY & GROSSFELD LLP 4640 Admiralty Way, Suite 850 Marina del Rey, CA 90292 Tel: 310-305-2100

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | | | | | |
|---|---|--|---|---|--|
| Citizen of This State | PTF
<input checked="" type="checkbox"/> 1 | DEF
<input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF
<input checked="" type="checkbox"/> 4 | DEF
<input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☐ 1- Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ 139,238.46
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
Recovery of alleged preferential transfer (11 U.S.C. § 547) removed pursuant to 28 U.S.C. §§ 1331, 1332, 1441 and 1446**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input checked="" type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

JAN 22 2010

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Virginia A. Phillips and the assigned discovery Magistrate Judge is David T. Bristow.

The case number on all documents filed with the Court should read as follows:

EDCV10- 116 VAP (DTBx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

2-22-2008 23

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☒ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.